

I am a singer/songwriter and creative artist who is also involved in theatre, dance, visual art, and video to varying degrees. I am the graduate assistant to the Interdisciplinary Arts Program at Nova Southeastern University on full scholarship. I graduated from Berklee College of Music with a degree in Music Business/Management and also have an undergraduate degree in Business Administration and have worked in the cruise line industry as well as for an independent record label in Boston.

I have released an independent EP featuring 4 original songs, 4 instrumental songs, plus 3 film scoring cue pieces. I have written over 100 songs and am currently working on the recording of my debut album, which will also be released independently. I play locally once a month or so, and in New York twice a year. I occasionally play in Europe, usually in Scandinavia. I am not sure the size of my local following, however my mailing list has approximately 600-650 subscribers throughout the U.S. and about 50 international subscribers.

It is impossible to get a song on one of the major radio stations without hiring a promoter to handle "pay-for-play" - even if you are a local artist and they are in your town. There is one station who was interested in playing my music, it is Party 93.1 FM, which shocked me with their friendliness and the invite to submit material. Unfortunately, only one of my tracks is electronica/dance, so the other material does not have much of a chance to be heard except perhaps on local college radio which is not very popular in this area.

Further south in Miami, there are two university radio stations which I actually contacted to request that another artist (colleague of mine) be played, since I knew they had received the CD. I did not receive a response from either. Sadly, I have not heard any of the major radio stations ever play local talent. I did however, hear a great feature on a folk artist on NPR (91.3 FM) here.

I am quite sure from my experience in the music industry, and from what other artists who have pursued radio without this background knowledge and told me about their experiences, that the playlists are decided on a national level from the parent company that owns these stations. Therefore, the station manager or program directors do not have any say in playing what artists they personally might enjoy or recommend, nor do they have the opportunity to welcome new artists or local talent not sponsored by major labels and/or those who have not spent a good deal of money on independent record "promoters" who simply transfer the funds via credit card payments to each station for a certain number of plays per week. I have watched this process take place first hand in my experience at an independent label and was told not to repeat what I had seen on the budget reports sent by the promoter.

The local radio stations, with the exception of Party 93.1 FM (the dance channel) are absolutely not serving the local community. They are simply regurgitating what is being dictated to them and thus dictated to American listeners all around the country. Personally, I am tired of the way music marketing is done in this country, with big companies shoving one substance-less track after another down the throats of people who haven't been exposed to nearly enough authentic artistic experience to even know that they are being shortchanged the inspiration and wonder that is music - the true soundtrack to our lives.

My songs are not played on the radio because I don't want to be part of it right now. I don't want my music to be associated in any way with pay-for-play. Nor have I heard any popular fellow local artists on any stations other than maybe the University of Miami or an AM station that occasionally broadcasts a show about the music business from Miami which is also webcast. I did hear a colleague on that show.

It is absolutely no wonder that the public does not comprehend the value of music when it is sold as a product rather than supported as an art, nor do they have any mechanism by which to properly compensate artists directly for their contributions to society. And, I find it more and more difficult to blame them for the downloading frenzy on the internet - people are simply looking for the older music that they remember and love as well as the few new gems in this oversaturated market, seeing no reason to spend money on a CD for one or two songs when the artist only sees a very small percentage of that as income. Turn off the radio and pass me the iPod.

I am not sure yet about whether it is the FCC's place to define local programming. Perhaps it might be a good idea to look into requiring that each state define it.

Should the FCC ensure that all programming decisions are made at the local station level?

YES

Should the FCC adopt a definition that measures „locally originated% or „locally produced% programming, or do either of these serve as an example of "local programming"?

Neither of these are by themselves definitions of local programming. 97.3 FM is produced and/or originated locally. Is its programming decided locally? Absolutely not. How about Y100? Take a quick 3 hour flight north to New York City where Z100 is playing the same exact songs.

See below for more...

Anything that reflects the community's interests, including anything presented by a community member (particularly local artists) and coverage of local events, is local programming. Therefore, if stations began returning to programming tailored to the community's interests, they would be broadcasting local programming.

It's the programming content that determines with a station is serving the local community or not. Community participation is strictly goodwill because it does not necessarily reflect the values which drive the actual programming. For example, Clear Channel cannot propagandize their way to localism with this vague "Clear Channel Cares" branding and a few appearances at charity events. Tell them to get serious and break it back down to the local level. Trust the people who work for you and trust the people you are supposed to be serving to decide what music they want to hear. Certainly they have enough money by now to be able to let go and do that.

What are the various types of payola practices today, and how frequently do

they occur? If you have had any direct or personal experience with this, even better:

See above. take a look at the long list of American Express transactions on the budget reports independent promoters send to the labels they represent. Next to each transaction is a station name. It isn't hard to figure out what is going on there. To be honest, half a million dollars later, you don't always even have that much to show for it. You can be #18 on the R&R chart and still have no records on the retail shelves.

Should payments made to radio stations via "indie promoters" be considered payola?

Absolutely, that's exactly what it is!! Regulate it, the FCC should make it illegal. Program directors need to be able to do their actual job, which means they should pick and play the music that they like and that they think their audience will enjoy (and yes, this means tailoring it to the local market, not top-down nationwide decisions)! Period.

If an artist does a free concert for a radio station, either for a charity or not, should the FCC consider that a form of payola?

No, but it should not be set up by a record company. Artists' managers should let radio know (or maybe this is a good job for a radio promoter who wants to be legitimate) that the artist would like to appear on the station and play for them. That is real promotion. If the program director actually likes that artist and/or people in the community request that artist a lot, they should invite him/her to play and go ahead and spin the record more.

If an artist plays a charity concert, I would not think they should expect additional airplay for that unless the performance results in more listener requests for their song.

Are radio stations seeking payment for front and back announcing?

Ooh, if they are doing this that is really nasty. I have been wondering lately why all of the songs are not announced every time, perhaps this is the reason. Definitely a violation. I want to hear the name of every track and its artist, and I want all of the playlists accessible via the station website for at least a week.

Should record labels be allowed to buy ad spots on stations to play their band's songs as an announced ad?

Not the whole song, just an ad that says "so-and-so's new album such-and-such, featuring the single blah-blah" with maybe a few seconds of the song and then a website you can go to check it out or a store locally that carries the CD. It should not exceed the time of a normal commercial or PSA. That is paid advertising and not payola. They should not be allowed to pay to play the song a certain number of times or at certain times of the day, that should be up to the program director, who should make that decision based on listener preferences, request data, etc.

Speaking of commercials, it's time to do something about the fact that there are so many of them, and also that all of the stations seem to be in commercial at the same time! Some relief from commercials, please! Same with television, way too many commercials, and it should not be legal for the commercials to be a louder volume than the broadcast programming.

What do you think of voicetracking? Is it a reasonable practice or is it inconsistent with a broadcaster's obligations to serve the local interest? What about broadcasts that mislead the public about where the broadcaster is located?

First of all, thank you for explaining why it is that I recently turned on one radio station and heard the infamous Delilah who we all know is broadcast across the country with her sugary phony voice, and then I switch to another channel (I don't know if they realized this) which turns out to be airing the same exact one program 1 second behind. Now this is enough to really make you want to forget the radio.

I don't want to hear previously recorded, canned voice-tracking broadcasted all across the country and recycled in various times and locations! This is just awful in general and even worse when people are not being properly compensated for their work because it is not live.

People love to call in and speak with the DJ; I remember calling and requesting songs as a child and being so excited to speak with the person and then have them announce my name and that I requested this song. How can anyone take that away to save company owners a few dollar, which make so much more of a difference in the lives of the people who love to do this work than they do in the hands of the already high-income receivers?

And misleading the public, that is just wrong, plain and simple. It should be disclosed when a broadcast is not live and not local, but a better idea is to just do away with it. If I want to hear what is playing in another location, I will use internet radio to track it down. Or it would be great to just be able to tune in via satellite to the radio station of your choice around the world. I love listening to the radio of other countries as well as my own. And the success of this would of course depend on local programming, on knowing that you will hear something different in California than you do in Florida or Arkansas or Sweden. It would be great to surf the radio and know who is putting out new music in that town or state or country. It would also be great to have specialty stations, one channel for the weather and another for the local traffic. Several for local news and local music only.

Decide now that radio is programmed live. Give the choice back to the audience; let people call in their requests. If people request an artist that the radio doesn't have yet, here's an amazing thought: the program director could contact the artist and receive a free CD to play the track. Wow, that's real choice and real freedom, isn't that what this country was supposed to be based on? Let's stop talking about it and actually get back to fostering it.

What should the FCC do about it?
Ban voice-tracking.

I spoke about national playlists quite a bit above. What is the effect of national playlists on localism? National playlists not only undermine localism. they negate it. And the exclusivity of a smaller pool of gatekeepers is incredibly stifling for new and local artists.

Diminished diversity on the airwaves is a serious problem. I rarely hear a song I listen to at home on the radio. And I rarely listen to songs I come across on the radio at home. That is a strange lack of correlation between a listener's music and that of "public programming." And I listen to some pretty wonderful, varied, and high-quality music at home... music that, when played for people who normally don't go out searching for anything different, is loved and people ask me where I found it. Surely this music deserves to be heard by everyone, yet there is only a short list of songs being played over and over again nationwide, which causes audiences to tire of "ht" artists and further fuel the quick turnover of artists in the music industry, ruining careers of both artists and the people working to help make them successful. Only a few of the songs on the radio are even pleasing to the ear - disturbing.

Should it be required that all programming decisions are made at the local level? Should stations be required to play a certain percentage of local content?

I hate to say it, but I think we may have come to that point. Perhaps this is best legislated on the state level though, I am not sure. If the Federal Government can make good dictations, then it can make bad ones as well, and I definitely am not interested in making this country into any more of a dictatorship than it has already become in the last few years.

LPFMs sound wonderful, and yes, please allow more LPFM licenses and especially in more populated areas. These stations could fill the void of quality, locally relevant programming and provide an opportunity for emerging artists and even arts students in the community to have their work heard and appreciated.

Thank you very much for collecting feedback in a public forum. This is critical in reaching solutions that benefit the entire U.S. community as a whole and also individuals at the local level. I hope you will seriously consider all of the comments you receive in regards to these issues and continue to address them in by requesting public input so that U.S. legislation truly reflects the hearts and minds of the American people.

All the best,

Melissa Axel

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www.melissaaxel.com

